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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/804,184 03/13/01 KAWAI

M 107439-00034

EXAMINER

WM02/1109

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TRIEU, V

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

11/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/804,184

Applicant(s)

KAWAI ET AL.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by
Joao [US 5,917,405].

Regarding claims 1-3, the claimed on-vehicle unit (the apparatus 1 comprising a CPU 4 connected to a receiver 3A and a transmitter 4A for receiving commands and information and transmitting data detected from a vehicle ignition system 7, a vehicle fuel system 9 and vehicle equipment systems 11 that monitors and outputs vehicle conditions, see Figs. 5B, 6 and 11B, col. 4, lines 13-67, col. 6, lines 16-67, col. 28, lines 39-67, col. 32, lines 9-21, col. 33, lines 10-67, col. 34, lines 1-67, col. 35, lines 1-67 and col. 36, lines 1-52); and the data server (server 510 or 952 having a receiver 511 or 953 and a transmitter 512 or 957 for communicating and receiving data Information from the vehicle apparatus 1, see Figs. 4B and 11B, col. 28, lines 48-64, col. 29, lines 10-12, col. 49, lines 29-67 and col. 50, lines 1-65); and the storage section (the ROM5 and RAM 6 of the vehicle apparatus 1 for storing vehicle status/conditions, or the Web Site 520 connected with the computer server 510 or 952 having digital memory for storing data and information for analyzing and determining the vehicle status and/or conditions

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based on the data information received from the vehicle apparatus 1, see Figs. 5B and 11B, col. 5, lines 61-67, col. 6, lines 1-25, col. 28, lines 48-67 and col. 29, lines 10-13); and the abnormality determining section (the vehicle apparatus 1 is designed or programmed to analyze, to determine and to report of a malfunction/abnormal of the vehicle ignition system 7, fuel system 9 and/or equipment systems 11, see col. 4, lines 24-67, col. 44, lines 45-67 and col. 45, lines 1-2).

Regarding claim 4, the portable communicator (the personal communication services PCS 150, portable and/or handheld devices utilizing a fax/modem for sensing and receiving data to/from the vehicle, see Figs. 5B and 11B, col. 3, lines 50-58 and col. 15, lines 24-34).

Regarding claims 5-7, all the claimed subject matters are cited in respect to claims 1 and 4 above.

Regarding claims 8-12, all the claimed subject matters are cited in respect to claims 1 and 4 above.

Regarding claims 13-17, all the claimed subject matters are cited in respect to claims 1 and 4 above.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaman et al discloses a vehicle analyzer and tutorial system including an engine analyzer with a first display unit and a remote controller with a second display unit through a radio frequency interface for remotely monitoring the engine analyzer display and for controlling the engine analyzer. [US 6,055,468]

Wooten et al discloses a standardized communication path between on-board vehicle electronic control unit ECUs and external data processing sources to perform complex diagnostic and prognostic procedures involving vehicle ECUs through a wireless data link. [US 6,084,870]

Lonn et al discloses a turf maintenance vehicle controller including a data logger means to store the status of predetermined parameters. The controller analyzes the vehicle status and conditions by either the diagnostic apparatus or a remote microprocessor. [US 5,657,224]

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to primary examiner **Van Trieu** whose telephone number is (703) 308-5220. The examiner can normally be reached on Mon-Fri from 7:00 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (703) 305-4717.

The office facsimile number is (703) 872-9314.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a large, sweeping initial 'V' and a horizontal line extending to the right.

Van Trieu
Primary Examiner
Date: 11/7/01